

REMARKS

By way of the present response, claim 2 is canceled without prejudice or disclaimer, and claims 4-6 are amended to conform their dependencies accordingly. Also, the title of the invention has been amended to address the objection set forth at the top of page 4 of the Office Action. Claims 1 and 3-24 currently are pending, with claims 7-12 and 19-24 withdrawn from consideration as being drawn to non-elected alleged independent species.

With respect to Applicant's traversal of the election of species requirement presented in the Election/Amendment dated September 22, 2005, page 2 of the Office Action includes a statement that the restriction requirement is deemed final and the following statements:

[S]pecies I and III (claims 1-6, 13-18) are drawn to a method for producing a semiconductor device while species II, IV (claims 7-12, 19-24) are drawn to a method for using a semiconductor device. Producing a device and using a device are two distinct inventions. Claims 7-12 and 19-24 would require further search and for the reason of the last Office Action. (Emphasis in original.)

It appears from these statements that the Examiner is providing new reasons for restriction. Moreover, the characterization in the above statements of Applicant's claims is not accurate. For instance, no claims are drawn to a "method for using a semiconductor device," as alleged. Rather, claims 7-12 and 19-24 are directed to methods of producing a display device using a semiconductor device. Additionally, the Examiner fails to address the traversal presented in Applicant's response of September 22, 2005, which points out that the election of species requirement fails to identify mutually exclusive species, as instructed in MPEP § 806.04(f). Accordingly, Applicant submits that the finality of the requirement is premature.

Furthermore, even if one were to consider, for the sake of argument, that the Examiner's correctly characterized the subject matter to which claims are directed, the newly raised conclusory statement that the alleged species are separate and distinct is not sufficient for appropriate restriction as set forth in the MPEP §§ 803 and 806 (and appropriate subsections under this section). Hence, absent an appropriate procedural showing of distinctness in accordance with the MPEP, withdrawal of the requirement is believed warranted.

For at least these reasons and those set forth in the response of September 22, 2005, it is respectfully submitted that all pending claims 1 and 3-24 should be examined in the present application. Applicant otherwise reserve the right to present the above arguments in a

petition pursuant to 37 C.F.R. § 1.181.

Turning now to the rejections, page 4 of the Office Action includes a rejection of claims 1-6 and 13-18 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. This rejection is respectfully traversed.

The Action asserts that the limitation “linear plasma” as recited in claims 1-3 and 13-15, is allegedly indefinite because it is unclear what is meant by “linear plasma.” However, the term “linear plasma” means a plasma having a linear shape extending along one direction, for example, as shown in Figures 12A and 15A. It is respectfully submitted that one of ordinary skill in the art would have understood the meaning of this term, especially when read in light of the present specification and drawings. See, MPEP § 2173.02.

The Action also asserts that the language “when” after “wherein” as recited in line 2 of claims 5 and 17 is a typographical error. Applicants disagree with any such allegation because the claim term “when” indicates a period at which something is occurring, namely, ejection of a wiring material, or a resist, or the like using the solution ejector, and the process of next recited feature, “a substrate is heated,” occurs during that period. Stated in an equivalent and alternative way, claims 5 and 7 recite that a substrate is heated when a wiring material, or a resist, or the like is ejected using the solution ejector. While Applicant respectfully submits that those of ordinary skill in the art would easily understand the language of present claims 5 and 17, if the Examiner prefers the above-stated equivalent language, she is authorized to so amend claims 5 and 17.

For at least these reasons, Applicant submits the rejection under Section 112, second paragraph is improper and should be withdrawn.

Starting on page 5 of the Action, claims 1-6 and 13-18 are rejected under 35 U.S.C. § 103, as allegedly being obvious over Ogawa (U.S. Patent Application Publication No. 2003/0132987) in view of Mori et al. (Japanese patent publication no 2000-169977). This rejection is respectfully traversed.

Independent claim 1 recites a combination of features including, among other features, a process of “forming a resist mask on the wiring using a second solution ejector.” It is respectfully submitted that neither Ogawa nor Mori et al. teach or suggest this feature. In

setting forth the rejection, the Examiner asserts that paragraphs 109, 327 and 434¹ of Ogawa describe forming a resist mask on the wiring using a second solution ejector (see, page 5, lines 9-10). However, while Ogawa appears to teach forming a wiring using a liquid droplet ejection head and forming a photoresist layer on the surface of the metal layer (see, paragraph 182), there is no teaching or suggestion of the claimed features of forming a resist mask on the wiring using a second solution ejector on the wiring which is formed using the first solution ejector. For similar reasons, it is respectfully submitted that the Ogawa publication fails to teach or suggest the feature of forming a resist mask using the second solution ejector on the wiring, as set forth in combination with the other recited features in independent claim 3.

For at least these reasons, the Examiner has failed to establish a *prima facie* case of obviousness with respect to independent claims 1 and 3.

With respect to independent claims 13-15, each of these claims recites *inter alia* the features of “etching the wiring using an atmospheric-pressure plasma device having a plurality of linearly-arranged plasma generators using the resist mask as a mask.” In connection with these claimed features, the Examiner admits that the feature of a device having a plurality of linearly-arranged generators is not disclosed in Ogawa or Mori et al. The Examiner goes on to cite *St. Regis Paper Co. v. Bemis Co. Inc.* 193 USPQ 8 (7th circuit 1997) and concludes that it would have been obvious to one of ordinary skill in the art to etch the wiring layer using a plurality of linearly-arranged plasma generators to etch the wiring layer since it is well-known in the art to repeat the same process for multiple effect. It is respectfully submitted, however, the examiner fails to advance any factual basis to supply the admitted deficiencies of the Ogawa publication with regard to the subject matter recited in independent claims 13-15. Instead, the Examiner attempts to bridge Ogawa’s evidentiary gaps by resort to so-called *per se* rules of obviousness allegedly established by the *St. Regis Paper Co.* case. Such rules do not exist, however, and the reliance thereon by the Examiner to establish obviousness under § 103(a) is improper. See *In re Ochiai*, 71 F.3d 1565, 1570, 37 USPQ2d 1127, 1132 (Fed. Cir. 1995); *In re Wright*, 343 F.2d 761, 769-70, 145 USPQ 182, 190 (CCPA 1965).

¹ It is to be noted that the Ogawa publication does not include paragraph numbering higher than 239, Applicant’s respectfully request clarification of these citations.

Furthermore, it is respectfully submitted that the holding in the *St. Regis Paper Co.* case is related to the concept of *durability* or *strength* resulting from a provision of multiple piles in a paper bag. Both the plaintiff and the defendant in *St. Regis* demonstrated that use of multiple layers to achieve the effect of “many bags within one” was known for many years. In contrast, the Examiner applies no similar evidence that it was well-known to “etching the wiring using an atmospheric-pressure plasma device having a plurality of linearly-arranged plasma generators using the resist mask as a mask,” as claimed. Thus, lacking any apparent nexus between holding in *St. Regis Paper Co.* and the present claimed features, and evidence required to establish a *prima facie* case of obviousness for the admittedly missing feature, the rejection of claims 13-15 is believed improper.

Also, the assertions of what was allegedly well known are too general, and do not teach or suggest the combination of specific features recited in independent claims 13-15.

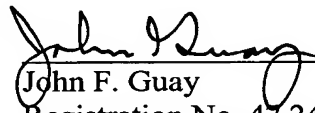
For at least these reasons, the rejection of claims 13-15 should be withdrawn.

Remaining claims under consideration depend from one of allowable independent claims 1, 3 and 13-15, and are therefore allowable at least for the above reasons, and further for the additional features recited.

Based on the forgoing, Applicant respectfully submits that claims 1, 3-6 and 13-18 are allowable, and that withdrawn claims 7-12 and 19-24 should be rejoined and examined.

Prompt notification of the same is respectfully requested.

Respectfully submitted,


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